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FAA-2001-9105-5

DEPT OF TRANSPORTATION

November 4, 2002

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Federal Aviation Administration
Denise Emrick

In accordance with 14 CFR, Ameristar Jet Charter, Inc. hereby petitions the Federal Aviation Administration for an extension to its exemption to 14 CFR 135.43 (c) (2) requiring that after January 1, 1992 any transponder not meeting the requirements of TSO-C112 (Mode S) may not be newly installed on any aircraft operating under the provisions of Part 135.

Due to difficulties in manufacturing Mode S transponders, the FAA amended installation and manufacturing cutoff dates to July 1, 1992 and July 1, 1991, respectively (Amendment No. 91-210; 54 FR 25681, June 16, 1989). On January 4, 1991, the FAA removed the manufacturing cutoff date associated with the Mode S transponder requirement in response to inventory shortfalls reported by transponder manufacturers (Amendment NO. 91-221; 56 FR 467). The installation cutoff date for operations conducted under FAR Part 135 was not removed. However, on May 29, 1992, the FAA did rescind the Mode S installation requirements for operations conducted under FAR Part 91.

This petition is in the best interest of the public from both a safety and an economic perspective. And integral part of the Modes S rule is the ground sensor. These sensors, when combined with Mode S transponders, better enable Air Traffic Control to track aircraft position thereby reducing the likelihood of a mid-air collision. However, the ground sensors which were supposed to be available by late 1995 or early 1996 are still not completed. Without the ground sensors, Mode S transponders provide no more benefits than advanced solid state Mode C transponders. Thus then would not be an unacceptable reduction in aviation safety as a result of the proposed exemption extension.

The proposed rule would generate benefits in the form of cost relief not only to us as a Part 135 Operator, who would be required to install Mode S transponder, but also our customers, the flying public. The average cost of a Mode S is \$3500 compared to \$1500 for a Mode C transponder. The additional expense would, of course, be passed on to the flying public.

Ameristar Jet Charter, further requests that this petition not be delayed by publication in the Federal Register. To delay this petition for publication in the Federal Register would place significant hardship on us as a 135 operator.

In view of the fact safety would not be impacted, but economic aircraft operation will, Ameristar Jet Charter encourages you to expeditiously grant this petition for extension of the exemption. As we are a Fleet Operator, we request this exemption extension be added to our Operations Specifications as a Fleet exemption extension to cover current and future aircraft we wish to operate with any TSO-C74b or TSO C74c transponder. If you have any additional comments or questions concerning this petition, you may contact me at (972) 248-2478.

Sincerely,



Lindon Frazer
Director of Maintenance
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